

REMARKS

This is in full and timely response to the Final Office Action mailed November 28, 2001, having been restarted following the grant of a Petition Under 37 C.F.R. 1.181 to January 16, 2002. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. §1.116 since the amendment: (a) places the application in condition for allowance (for the reasons discussed herein); (b) does not raise any new issues requiring further search and/or consideration; (c) satisfies a requirement of form asserted in the previous Office Action; and (d) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of this amendment is respectfully requested.

By the foregoing amendment, claims 15-21 were canceled without prejudice or disclaimer to their underlying subject matter. Claim 22 was added to recite that the organic filler is an animal protein. Support for this new claim 22 can be found variously throughout the specification, for example, at page 8, last line. No prohibited new matter was added. Claims 8-14 and 22 are currently pending for the Examiner's reconsideration, with claim 8 being independent.

Applicant thanks the Examiner for indicating that claims 8-14 are allowed.

Rejection Under 35 U.S.C. §102

Claims 15-21 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,573,831 to Suzuki et al. Applicant respectfully traverses this rejection.

However, in order to expedite prosecution, and while not acknowledging the propriety of this rejection, Applicant has canceled claims 15-21, mooted this rejection. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection Under 35 U.S.C. §103

Claims 15-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,573,831 to Suzuki et al. Applicant respectfully traverses this rejection.

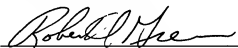
However, in order to expedite prosecution, and while not acknowledging the propriety of this rejection, Applicant has canceled claims 15-21, mooted this rejection. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

For the foregoing reasons, all claims 8-14 and 22 pending in the present application are believed to be clearly patentable over the prior art of record, that this application is in condition for allowance and should pass to issue. Prompt and favorable action is courteously solicited.

Respectfully submitted,

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 180013 for any such fees; and applicant(s) hereby petition for any needed extension of time.